

Appeal Decision

Site visit made on 29 January 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2019

Appeal Ref: APP/G1250/W/18/3213142

16a Glen Road, Bournemouth BH5 1HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Duska Roberts against the decision of Bournemouth Borough Council.
 - The application, Ref. 7-2018-19574-G, dated 25 May 2018, was refused by notice dated 16 August 2018.
 - The development proposed is a first floor extension to the existing flat to provide an additional bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to the existing flat to provide an additional bedroom at 16a Glen Road, Bournemouth in accordance with the terms of the application, Ref. 7-2018-19574-G, dated 25 May 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. J.60.2017-01A; J.60.2017-02; J.60.2017-03B;
 - 3) The external surfaces of the development hereby permitted shall be constructed in accordance with details / samples first submitted to and approved in writing by the Local Planning Authority;
 - 4) The lower section of the flank window of the extension as shown on Drawing No. J.60.2017-03B shall be obscure glazed to Pilkington Level 3 (or the nearest equivalent standard) and thereafter retained in that form.

Main Issues

2. The main issues are (i) the effect of the proposed extension on the living conditions for the occupiers of No. 18 Glen Road as regards privacy, and (ii) the adequacy of the living conditions for occupiers of the proposed bedroom in respect of outlook and light.

Reasons

3. The appeal property is a first floor flat forming part of the rear of No. 16 and one of a number of flats in the building. The appeal scheme is for an extension
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to create a second bedroom. This would be achieved through a rearward projection over part of the flat roof of 16b, a ground floor flat.

4. On the first issue, the Council's concern is that this further building at first floor level and including a side window would overlook the garden of No. 18 which is referred to in the Council's Statement as '*currently not overlooked*'. However, as the appellant points out and I saw on my visit, this is patently untrue given that the existing bedroom and living room windows of the appellant's flat have clear views of No. 18's garden. The outlook from the living room is particularly relevant, partly because it has the more direct views towards No. 18 and partly because as a living room it has far more potential for residents of the flat to overlook the neighbouring garden during the greater part of the day.
5. The new bedroom side window would increase overlooking, but this would be limited by the proposed obscure glazing of the lower half and by the screening effect of a mature tree (albeit I acknowledge that the tree could not be relied on for this purpose in perpetuity). Furthermore, the proposed window would be smaller than the existing living room window, which in addition to the almost direct views over No. 18 will already account for an 'awareness' of the loss of privacy that it entails (namely materially more than the 'perception' referred to in the Notice of Refusal).
6. The grounds of appeal also, and in my opinion quite correctly, refer to the fact that in Glen Road and its surroundings the great majority of properties are in the form of flats and buildings in multiple occupancy. Many of these are converted houses rather than being purpose built and a characteristic of conversions is mutual overlooking from all sides with a concomitant far lower expectation of seclusion and privacy than would be the case with single household residences. Nos. 16 and 18 are cases in point, being used for six and eight self-contained units respectively and in the case of the latter the rear garden is also overlooked by its own ground, first and second floor flats.
7. Taking these points together, I find the Council's argument entirely unconvincing. To summarise, the proposal is, after all, the addition of a modestly sized window to a small second bedroom with its lower half obscure glazed, and with outward views well screened by a mature boundary tree. And the garden affected would be to a building with eight households, with their garden already directly overlooked by bedroom and living room windows in No. 16a and windows on three levels in No. 18 itself.
8. On this issue I therefore conclude that the proposal would have a marginal impact and would not cause an unacceptable degree of overlooking and resultant loss of privacy for the occupiers of No. 18. There would therefore be no harmful conflict with Policy CS41 of the Bournemouth Local Plan: Core Strategy 2012; Policy 6.10 of the Bournemouth District Wide Local Plan 2002; the Council's 'Residential Development Design Guide' 2008 and paragraph 127f) of the National Planning Policy Framework 2018 ('the Framework').
9. Turning briefly to the second issue, the Council objects to the occupier of the proposed bedroom having a poor outlook and a reliance on artificial light. However, there would be some clear glazing to two windows with the eastern-facing of these having the potential to receive morning sunlight. Bedrooms normally receive artificial light for most of the time they are occupied, normally

evenings and night time. In my judgement the natural light and outlook would be more than adequate for a small second bedroom, especially as the appellant's six year old son would be the first occupier and currently has to put up with greatly inferior accommodation. Future occupiers would be able to assess the adequacy of light and outlook to the bedroom before deciding whether to take up occupancy.

10. On this issue, I consider that the outlook and light would be adequate, with no conflict occurring as regards Policy CS41; the Design Guide, and Framework paragraph 127f).
11. Finally, the property lies within the Boscombe Manor Conservation Area, but I am satisfied that none of the issues raised in this appeal would affect its significance as a designated heritage asset through harm being caused to either its character or appearance.
12. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. An external materials condition will ensure the extension harmonises with the host building and safeguards amenity. (I have altered the Council's pre-commencement condition in recognition of the Government's policy under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 to effectively make such conditions the exception rather than the rule).

Martin Andrews

INSPECTOR